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10 Attorneys for Defendants THE BOARD OF TRUSTEES  
11 OF THE UNIVERSITY OF ILLINOIS, erroneously sued as  
12 THE UNIVERSITY OF ILLINOIS-URBANA CHAMPAIGN;  
13 and DR. GEORGE GOLLIN

14 **UNITED STATES DISTRICT COURT**

15 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

16 ST. LUKE SCHOOL OF MEDICINE;  
17 DR. JERROLL B.R. DOLPHIN and  
18 DR. ROBERT FARMER on behalf of  
19 himself and all others similarly situated, as  
20 applicable,

21 Plaintiffs,

22 v.

23 REPUBLIC OF LIBERIA; MINISTRY OF  
24 HEALTH, a Liberian Governmental  
25 Agency; MINISTRY OF EDUCATION, a  
26 Liberian Governmental Agency; LIBERIAN  
27 MEDICAL BOARD, a Liberian  
28 Governmental Agency; NATIONAL  
COMMISSION ON HIGHER  
EDUCATION, a Liberian Governmental  
Agency; NATIONAL TRANSITIONAL  
LEGISLATIVE ASSEMBLY, a Liberian  
Governmental Agency; DR. ISAAC  
ROLAND; MOHAMMED SHERIFF; DR.  
BENSON BARH; DR. GEORGE GOLLIN;  
EDUCATION COMMISSION FOR  
FOREIGN MEDICAL GRADUATES; a  
Pennsylvania Non-Profit organization;  
FOUNDATION FOR ADVANCEMENT  
OF INTERNATIONAL EDUCATION  
AND RESEARCH; a Pennsylvania Non-  
Profit organization, UNIVERSITY OF  
ILLINOIS-URBANA CHAMPAIGN, an  
Illinois Institution of Higher Learning;  
STATE OF OREGON, Office of Degree  
Authorization,

Defendants.

Case No.: 10-CV-01791 RGK (SHx)

[Honorable R. Gary Klausner]

**THE BOARD OF TRUSTEES OF  
THE UNIVERSITY OF ILLINOIS'  
REPLY MEMO TO ITS MOTION  
TO DISMISS, ALTERNATIVELY  
FOR MORE DEFINITE  
STATEMENT, AND TO STRIKE**

**[FILED CONCURRENTLY WITH  
SUPPORTING DECLARATION OF  
MICHAEL D. YOUNG]**

**[FRCP 8, 12(b)(1), 12(e), 12(f) & 41(b)]**

DATE: July 6, 2010

TIME: 9:00 a.m.

COURTROOM: 850

1                                    **MEMORANDUM OF POINTS AND AUTHORITIES**

2  
3                    The Board of Trustees of the University of Illinois' filed this motion to  
4 dismiss on sovereign immunity grounds, and to strike the class action allegations,  
5 among other things. *Plaintiffs do not oppose this motion.*

6  
7                    Instead, plaintiffs' counsel sent us an email stating merely:  
8                                    "We will be voluntarily dismissing"

9  
10                  It was a nice sentiment, but as of the date of this filing, we have received  
11 nothing from plaintiffs requesting the dismissal and accordingly must ask this Court to  
12 do what plaintiffs should have done themselves – dismiss the University of Illinois  
13 from this action.

14                  Actually, plaintiffs never should have filed this action against the  
15 University in the first place. We first asked plaintiffs' counsel to dismiss the  
16 University on sovereign immunity grounds back on May 10, 2010, in a phone call.  
17 (June 1, 2010, Declaration of Michael D. Young filed concurrently with the  
18 University's moving papers, ¶ 2, and Exhibit A thereto.) This was followed up with a  
19 more formal written request for dismissal on May 13. (*Id.* at ¶ 3, and Exhibit B  
20 thereto.) Both requests were ignored. (*Id.* at ¶ 4.)

21                  We are nothing if not stubborn and hence kept trying. On May 20 we  
22 again called plaintiffs' counsel's office to request dismissal of the University and was  
23 forced to leave a voicemail message, which we followed up with an email. (*Id.* at ¶ 5  
24 and Exhibit C thereto.) Hearing nothing from plaintiffs' counsel in reply, we tried  
25 again to discuss this with counsel on May 26 with both a phone call and an email. (*Id.*  
26 at ¶ 7 and Exhibit D, thereto.) In each message, we urged plaintiffs' counsel to  
27 consider the authorities we provided him confirming the application of the Eleventh  
28

1 Amendment to the University and asking for a voluntary dismissal so we wouldn't  
2 have to expend judicial resources on a motion. We received no response, which  
3 forced us to file the pending motion. (*Id.* at ¶ 8-9.)

4 Indeed, other than the five words quoted above (*See* June 22, 2010  
5 Declaration of Michael D. Young filed concurrently herewith, and Exhibit A thereto),  
6 we have not heard from plaintiffs' counsel in response to any of our efforts to contact  
7 him, either with respect to the University or its professor, Defendant George Gollin,  
8 for whom we have also filed a motion to dismiss (after again unsuccessfully trying to  
9 contact plaintiffs' counsel to seek a voluntary dismissal.) (June 22 Young  
10 Declaration, at ¶ 3, and Exhibit B thereto.)

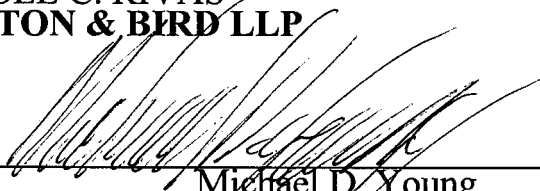
11 We submit that this may be a case where sanctions are appropriate, and  
12 we are considering filing such a motion in the near term.

13 *In light of plaintiff's non-opposition, we submit there is no reason why*  
14 *this Court should not grant the University's motion in full*

15  
16 Respectfully Submitted

17 DATED: June 22, 2010

18 MICHAEL D. YOUNG  
19 NICOLE C. RIVAS  
20 **ALSTON & BIRD LLP**

21   
22 Michael D. Young  
23 Attorneys for Defendants THE BOARD OF  
24 TRUSTEES OF THE UNIVERSITY OF ILLINOIS;  
25 and DR. GEORGE GOLLIN  
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